

Notice of Allowability

Application No.

09/828,491

Examiner

Ting Zhou

Applicant(s)

SNIBBE ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 30 May 2006.
2. ☒ The allowed claim(s) is/are 1-18, 21, 23-26 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 30 May 2006 under 37 CFR 1.53(d) based on parent Application No. 09/828,491 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 30 May 2006, submitted with the filing of the RCE have been received and entered. Claims 1-18, 21, 23-26 and 28 as amended are pending in the application.

Allowable Subject Matter

3. Claims 1-18, 21, 23-26 and 28 are allowed.
4. The following is an examiner's statement of reasons for allowance: The present invention teaches the creation of digital media through user collaboration in a computer network environment. Each of the independent claims identifies the distinct feature of the digital media artifact comprising a story, wherein a percentage contribution by each user is calculated based at least in part on the number of story elements of the digital media artifact contributed by each user. The closest prior art, Hanson et al. U.S. Patent 6,507,865 (hereinafter "Hanson"), Fielding et al. in the article titled "*Collaborative Work: The Apache HTTP Server Project*" (hereinafter "Fielding") and Lynch in the article titled "*AIM (A Little) Higher*" (hereinafter "Lynch") teach a user interface that allows users to contribute collaboratively online with other users to create a digital media artifact. In the case of the Hanson reference, Hanson teaches providing a user interface to a digital device network (an interface in the electronic medium fostering content

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collaboration among participants connected to a network) (column 2, lines 60-62 and column 3, lines 15-17), the interface configured to enable a user to contribute collaboratively online with other users in a collaborative community to modify a digital media artifact wherein a plurality of derivative digital media artifacts are created by integrating one or more user contributions with the digital media artifact (users can contribute and collaborate with other users to modify content, i.e. by manipulating, or creating and updating dynamic content such as images, streaming media, lists, calendars, slide presentations, etc.; derivative digital media artifacts are created by tracking additions, changes and updates by participants to the message) (column 2, lines 60 - column 3, line 65, column 7, lines 30-37 and column 14, lines 42 - column 15, line 46), submitting collaborative user contributions to the online digital media artifact received prior to the deadline for production by a third party into a final media product (for example, submitting a message to an online group greeting card prior to the send date) (column 15 , lines 15-17 and further shown in Figure 11), and tracking a genealogy of the digital media artifact including a history of the digital media artifact and collaborative user contributions (tracking the comments and changes made by other participants to the message by maintaining a record of the history of changes that have been made to any dynamic content region) (column 7, lines 30-37 and column 13, lines 38-43). In the case of the Fielding reference, Fielding teaches competing derivative media artifacts (each proposed version of the file being changed, i.e. the different patches, are being voted on with only the approved patches being released; therefore, the patches are competing with one another) (page 89), determining a plurality of popularities of the plurality of derivative digital media artifacts derived from the digital media artifact and submitting a selected popular derivative digital media artifact received prior to the deadline for production (users

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would vote during a voting period for each proposed versions of the file being changed, and a selected popular artifact would be submitted, i.e. the approved versions of the changes would be applied to the file) (bottom of page 88 and page 89, section titled *Change Control*). In the case of the Lynch reference, Lynch teaches creating a visual indicator to identify the user to other users in the collaborative community wherein the visual indicator protects the privacy of the user (users can be identified, or represented by a buddy icon, which could be an image or graphic; in other words, the graphic can be a cartoon character for example, and does not need to be a picture of the user, thus protecting the user's identity or privacy) (as recited at the bottom of page 1 and shown by the buddy icon shown in the chat window of the figure displayed on page 2). However, the prior art fails to teach creating a digital media artifact that comprises a story, wherein a percentage contribution by each user is calculated based at least in part on the number of story elements of the digital media artifact contributed by each user. Thus, the prior art fails to anticipate or render the above limitations obvious.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

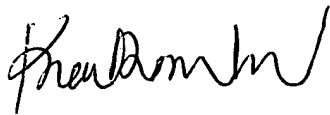
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



KIEU D. VU
PRIMARY EXAMINER